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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
San Francisco Division

11 FEDERAL TRADE COMMISSION,

12 Plaintiff,

13 v.

14 MEDLAB, INC.,

15 PINNACLE HOLDINGS, INC.,

16 METABOLIC RESEARCH ASSOCIATES,
17 INC.,

18 U.S.A. HEALTH, INC., and

19 L. SCOTT HOLMES,
individually and as an officer of Medlab, Inc.;
20 Pinnacle Holdings, Inc.; Metabolic Research
Associates, Inc.; and U.S.A. Health, Inc.,

21 Defendants.
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No. C-08-00822 SI

Hearing Date: June 13, 2008

Hearing Time: 9:00 a.m.

Courtroom: 10, 19th Floor

**[Proposed] ORDER STRIKING
AFFIRMATIVE DEFENSES AND
JURY DEMAND, AND DENIAL
OF REQUEST TO DISMISS THE
COMPLAINT**

1 On April 24, 2008, Plaintiff Federal Trade Commission filed a *Motion to Strike*
2 *Affirmative Defenses and Jury Demand, and Opposition to Defendants' Request to Dismiss the*
3 *Complaint* ("Motion to Strike"). The FTC contends that ten of Defendants' affirmative defenses
4 are redundant, insufficient, and immaterial to the issues of this case. Accordingly, the FTC
5 requests that the Court strike the defenses pursuant to Federal Rule of Civil Procedure 12(f). In
6 addition, the FTC requests that the Court strike Defendants' jury demand and deny Defendants'
7 request to dismiss the FTC's *Complaint for Injunctive and Other Equitable Relief*.

8 On June 13, 2008, the Court heard argument on the FTC's motion to strike. Having
9 carefully considered the arguments of the parties and the papers submitted, the Court hereby
10 grants the FTC's Motion to Strike.

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12 **IT IS SO ORDERED** this _____ day of _____, 2008.

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16 Honorable Susan Illston
17 United States District Judge
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